

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

September 12, 2008

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

SUBJECT: ACCEPTANCE OF HEARING MASTER'S REPORT,
DESIGNATE BY RESOLUTION, WITHDRAWAL FROM
GOVERNOR'S PROCLAMATION DATED JUNE 12, 1907
AND RESET ASIDE TO DEPARTMENT OF LAND AND
NATURAL RESOURCES, DIVISION OF FORESTRY AND
WILDLIFE, NATURAL AREA RESERVE SYSTEM FOR
ADDITION TO THE HONO O NA PALI NATURAL AREA
RESERVE, WAIMEA, KAUAI, TAX MAP KEY: (4) 1-4-001:
PORTION OF 3

APPLICANT:

Department of Land and Natural Resources, Division of Forestry and Wildlife, Natural
Area Reserve System

LEGAL REFERENCE:

Section 171-11, 183-11, 195-4, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Napali-Kona and Puukapele Forest Reserve situated at
Waimea, Kauai, identified by Tax Map Key: (4) 1-4-1:portion of 3, as shown on the
attached map labeled Exhibit A.

AREA:

650 acres, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Governor's Proclamation dated June 12, 1907

PURPOSE OF SET ASIDE:

Addition to the Hono O Na Pali Natural Area Reserve

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

This action before the Board is merely a transfer of management jurisdiction and does not constitute a use of State lands or funds, and therefore, this action is exempt from the provisions of Chapter 343, HRS, relating to environmental impact statements. Inasmuch as the Chapter 343 environmental requirements apply to Applicant's use of the lands, the Applicant shall be responsible for compliance with Chapter 343, HRS, as amended.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

BACKGROUND:

Tax map key: 1-4-001-3 consists of approximately 21,160.810 acres. The "Proposed Hono O Na Pali Expansion" will cover approximately 650 acres. It is located between and adjacent to the existing Hono O Na Pali Natural Area Reserve (Governor's Executive Order No. 3161) and the Alakai Wilderness Preserve. The subject area is currently managed as a Forest Reserve and is used by the public as a public hunting area and for public recreation (hiking).

The Land Board at its meeting of October 28, 2005 (Item C-1), authorized the Department to conduct public hearings for the proposed Poamoho Natural Area Reserve and the proposed Hono O na Pali Natural Area Reserve, authorized the Chairperson to set the dates and times for the public hearings, and appoint a hearing master(s). The Land Board at its meeting of May 23, 2008 (Item C-6), authorized the Department to conduct a public hearing for the withdrawal of same area from the Na Pali-Kona Forest Reserve,

authorized the Chairperson to set the dates and time for the public hearing, and appoint a hearing master.

The public was notified by Notices of Public Hearing published in the Honolulu Star Bulletin, The Garden Island, The Maui News, the Hawai'i Tribune Herald, and the West Hawai'i Today on June 11, 2008. As an addition to the legal notification requirements, press releases were sent to local newspapers, and a memo to thirty-nine interested parties was sent, and after the hearing, written comment was accepted until July 20, 2008. A list of the interested parties that were contacted is included as Exhibit 2.

A public hearing was held in Kalaheo on July 7, 2008 pursuant to HRS Chapter 195-4(b), which requires the Department to conduct one or more public hearings prior to the designation of State land under the jurisdiction of the Department into the Natural Area Reserves System and HRS Chapter 183-12 and 183-13, which requires the Department to conduct one or more public hearings before revoking, modifying, or suspending any orders and proclamations or any part thereof which set apart the lands as forest reserves. No members of the public attended this meeting, the proceedings of which are summarized in the Hearing Master's report (Exhibit 3). Written testimony was received from the Hawai'i Audubon Society by regular post, in favor of the proposed addition to the Natural Area Reserves System (Exhibit 4).

DISCUSSION:

The Natural Area Reserves System was established to preserve and protect representative samples of Hawaiian biological ecosystems and geological formations for future generations. The system currently consists of 19 reserves on five islands, covering more than 109,000 acres. The diverse areas protected as Natural Area Reserves (NARS) range from marine and coastal environments to lava flows, rainforests, and alpine desert. These areas provide the last remaining habitat for many endangered species, as well as protect core areas important as watershed.

The proposed Hono O Na Pali expansion is recommended for inclusion in the Natural Area Reserve System, to provide increased protection and heightened management attention for a contiguous area running from the top of Mt. Waialeale to lowland ecosystems. Designating the 650 acres as a NAR will connect the Hono O Na Pali NAR with the Alakai Wilderness Preserve, creating a corridor of contiguous areas for conservation of native ecosystems, which will encourage management activities to preserve species that need larger ranges for their species' continued survival. This area contains intact native wet forest with several species of rare and endangered plants from the high-elevation bog community, is part of the core habitat for several species of endangered forest birds, and is likely rich with hundreds of species of native invertebrates. The draft proposal, approved in concept unanimously by the Natural Area Reserve Commission in August 2003, is attached as Exhibit 6.

Designation of a NAR provides an elevated level of protection for some of the most unique lands in the State, with the intention of ensuring that the State's biological and


geological heritage will be protected for future generations. A formal set-aside of this area to DOFAW as an addition to Hono O Na Pali NAR would most accurately reflect the planned future management and provide needed long-term protection for the unique natural resources in the area, partially meeting DLNR's mission to restore and preserve unique natural ecosystems.

RECOMMENDATION: That the Board:

1. Accept the Hearing Master's Report dated August 8, 2008.
2. Designate by resolution the addition to Hono O Na Pali Natural Area Reserve.
3. Approve of and recommend to the Governor issuance of an executive order withdrawing 650 acres from the Governor's proclamation dated June 12, 1907 subject to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and
 - D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
4. Approve of and recommend to the Governor the issuance of an executive order setting aside the subject lands to the Department of Land and Natural Resources, Division of Forestry and Wildlife, Natural Area Reserve System under the terms and conditions cited above, which are by this reference incorporated herein and subject further to the following:
 - A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
 - B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
 - C. Review and approval by the Department of the Attorney General; and

- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,


PAUL J. CONRY, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:


LAURA H. THIELEN, Chairperson

Attachments:

- Exhibit 1: Proposal for the Extension of Hono O Na Pali Natural Area Reserve
- Exhibit 2: List of Interested Parties that Received the Notice of Public Hearing
- Exhibit 3: Hearing Master's Report with BLNR submittals for approval of those meetings from May 23, 2008 and October 28, 2005 attached.
- Exhibit 4: Public Testimony Received (Hawai'i Audubon Society, July 14, 2008)